



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/769,452	01/26/2001	Jussi Petri Myllymaki	ARC9-2000-0103-US1	5448

28211 7590 10/27/2003

FREDERICK W. GIBB, III  
MCGINN & GIBB, PLLC  
2568-A RIVA ROAD  
SUITE 304  
ANNAPOLIS, MD 21401

EXAMINER
----------

PEREZ, ANGELICA

ART UNIT	PAPER NUMBER
----------	--------------

2684

6

DATE MAILED: 10/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/769,452

Applicant(s)

MYLLYMAKI, JUSSI PETRI

Examiner

Angelica M. Perez

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on January 26, 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☒ Claim(s) 24 and 25 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

It is required that the applicant present the references used for this invention in a separate piece of paper as stated in the application guidelines.

### ***Claim Objections***

2. Claims 24 and 25 are objected to because of the following informalities: They claim dependency on claim 13 when it is obvious that their dependency relays on claim 23. Appropriate correction is required.

### ***Drawings***

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Figure 2 does not show item 100 mentioned on page 7, line 8 of the application. A proposed drawing correction or corrected drawings are required in reply

to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, and 23 rejected under 35 U.S.C. 102(b) as being anticipated by Emery (Emery et al, US patent No. 5727057).

Regarding claim 10, Emery teaches of a method of sorting geo-spatial dependent data using client wireless component (CWC) (columns 1 and 8, lines 24-27 and 40-45 respectively), the method comprising at least: determining location of the CWC (Figure 1, items 105.1 and 107); accessing a document database whose datum have location identifiers (column 8, lines 40-42); and sorting the document database in a location dependent order based on a distance between the location of the CWC and the location identifiers associated with the datum in the document database (column 8, lines 40-46).

Regarding claims 1, 2 and 11, in claim 1, Emery's invention teaches the same limitations as those found in claim 10. In addition, the usage of a global position satellite (GPS)-type wireless component (CWC)(Figure 1, items 105.1, 107, and 108). As for claims 2 and 11, their limitations are already included in claim 10.

Regarding claim 3, Emery teaches of the determining of the location of the CWC includes accessing an area code of the local wireless cellular network (column 16, lines 2-8).

Regarding claims 4 and 12, Emery teaches wherein the determining of the location of the CWC includes explicit entry of location data (column 11, lines 40-42).

Regarding claims 5 and 13, Emery teaches of storing the location into the CWC by inputting the location in a location tracking database that stores both the location and timestamp (column 7, lines 19-24).

Regarding claims 6 and 14, Emery teaches editing the location identifiers to correspond to actual geo-spatial locations (columns 12 and 13, lines 62-67 and 1-8 respectively).

Regarding claims 7 and 15, Emery further teaches assigning the location identifier based on information other than geo-spatial location (column 3, lines 59-65).

Regarding claims 8 and 16, Emery teaches wherein sorting comprises calculating a distance between the location and the location identifiers and ordering the datum by the distance, beginning with a smallest distance (column 6, lines 50-55).

Regarding claim 9, Emery teaches wherein sorting of the document databases in a location-dependent order by calculating the distance between current location and the location identifiers associated with the datum in the document database is by logical dimension (column 6, lines 42-45).

Regarding claim 17, Emery further teaches wherein sorting of the document databases in a location-dependent order by calculating the distance between current

Art Unit: 2684

location and the location identifiers associated with the datum in the document database is by logical dimension based upon user preference (column 12, lines 49-55).

Regarding claim 18, Emery teaches of a method of sorting location dependent data (column 10, lines 34-63), the system comprising at least: a client wireless component (CWC), the CWC having: a location tracker operatively configured with a location tracking database (column 15, lines 5-8); a document database operatively configured with an editor (column 15, line 40-41) a presenter (column 11, lines 32-39) operatively configured with the location tracking database; and a recorder (column 13, lines 54-56). Emery further teaches of whereby location data used by the CWC is sorted by calculating a distance between a user's location and location identifiers associated with datum in the document database (column 13, lines 54-56).

Regarding claim 19, Emery teaches wherein the editor and the recorder comprise editing components that modify the location tracking database (column 14, lines 1-20).

Regarding claim 20, Emery teaches wherein the presenter retrieves documents from the document database, and sorts them in location-dependent order for presentation by calculating the distance between current location from the location tracking database and location information associated with each document in the document database (column 15, lines 5-8).

Regarding claim 21, Emery teaches wherein the CWC further includes global positioning satellite (GPS) position components and distance determination for sorting

Art Unit: 2684

the document database is determined by a signal from a GSP network (Figure 1, item 107).

Regarding claim 22, Emery teaches wherein said CWC includes position determining components for sorting the document database, the determining components determine location of the CWC by accessing area code of the wireless cellular network (column 16, lines 4-8).

Regarding claim 23, each limitation of claim 23 is rejected as same reason set forth in claim 10. In addition, Emery teaches of a program storage device readable by machine, tangibly embodying a program of instructions executable by the machine to perform the method for sorting location dependent data already described in claim 10 (column 3, lines 35-36).

### *Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US 5,946,618 teaches of a method and apparatus for performing positioned-based call processing using multiple location mapping schemes.

US 6,115,611 teaches of a mobile communication system and a mobile terminal, information center, and a storage medium used in the system.

- Any inquiry concerning this communication or earlier communications from the

Art Unit: 2684


examiner should be directed to Angelica Perez whose telephone number is 703-308-7745. The examiner can normally be reached on 7:30 a.m. - 4:00 p.m., Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2600's customer service number is 703-306-0377.

  
**NAY MAUNG**  
**SUPERVISORY PATENT EXAMINER**

Art Unit 2684

  
Angelica Pérez  
(Examiner)

October 20, 2003